

# GUNDERSON, PALMER, NELSON & ASHMORE, LLP

## ATTORNEYS AT LAW

ASSURANT BUILDING  
440 MT. RUSHMORE ROAD  
POST OFFICE BOX 8045  
RAPID CITY, SOUTH DAKOTA 57709-8045

TELEPHONE (605) 342-1078  
www.gundersonpalmer.com  
ATTORNEYS LICENSED TO PRACTICE IN  
SOUTH DAKOTA, NORTH DAKOTA, NEBRASKA  
COLORADO, WYOMING, MONTANA & MINNESOTA

SARA FRANKENSTEIN  
AMY K. KOENIG  
JASON M. SMILEY  
QUENTIN L. RIGGINS  
JEFFREY R. CONNOLLY  
REBECCA L. MANN  
ANDREW J. KNUTSON  
SHILOH M. MacNALLY  
WYNN A. GUNDERSON  
*Of Counsel*

J. CRISMAN PALMER  
JAMES S. NELSON  
DANIEL E. ASHMORE  
DONALD P. KNUDSEN  
PATRICK G. GOETZINGER  
TALBOT J. WIECZOREK  
JENNIFER K. TRUCANO  
DAVID E. LUST  
THOMAS E. SIMMONS  
TERRI LEE WILLIAMS

*Writer's E-mail Address: tjw@gpnalaw.com*  
*Writer's Fax No 605-342-0480*

May 17, 2010

### E-FILING

Patricia Van Gerpen  
Executive Director  
SDPUC  
500 East Capitol  
Pierre SD 57501

Re: In the matter of Matter of the Application of Neutral Tandem-South Dakota, LLC  
for a Certificate of Authority to Provide Facilities-Based and Resold Local  
Exchange and Interexchange Telecommunications Services in South Dakota

Docket No. TC10-017      GPNA File No. 09881.0002

Dear Ms. Van Gerpen:

Enclosed please find the Joint Stipulation of the Parties Resolving All Issues in the above-entitled matter. By copy of same, the parties have been served.

Please note that pursuant to the Joint Stipulation, all objections to issuing of Certificates of Authority have been resolved. Therefore, Intervenors will not be filing testimony pursuant to the schedule and the scheduled hearing will not be necessary. Neutral Tandem is requesting that this matter be brought before the Commission at the next available Commission meeting for issuance of an Order granting Certificates of Authority as requested with the stipulated conditions.

If you have any questions, please let me know. Thank you.

Sincerely,



Talbot J. Wieczorek

TJW:klw

Enclosure

C: Clients

Kara Semmler/Tim Binder  
Darla Rogers/Margo Northrup  
Rich Coit

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION )  
OF NEUTRAL TANDEM-SOUTH DAKOTA, )  
LLC FOR A CERTIFICATE OF AUTHORITY )  
TO PROVIDE FACILITIES-BASED AND )  
RESOLD LOCAL EXCHANGE AND )  
INTEREXCHANGE TELECOMMUNICATIONS )  
SERVICES IN SOUTH DAKOTA )

DOCKET No. TC10-017

**JOINT STIPULATION OF THE  
PARTIES RESOLVING ALL  
ISSUES**

Come now, the parties in the above-entitled action, Talbot J. Wiczorek of Gunderson, Palmer, Nelson & Ashmore, counsel for Neutral Tandem-South Dakota, LLC (“Neutral Tandem”), Darla Pollman Rogers of Riter, Rogers, Wattier & Northrup, LLP, counsel for Intervenor South Dakota Network, LLC (“SDN”), and Rich Coit, counsel for Intervenor South Dakota Telecommunications Association (“SDTA”), and hereby submit this joint stipulation to the Commission:

1. SDN and SDTA have agreed to the issuance of Neutral Tandem-South Dakota’s requested Certificates of Authority as long as the Order issuing the Certificates of Authority incorporates the following agreement of the parties:

The parties agree that the Certificate of Authority granted by the Commission to Neutral Tandem would authorize Neutral Tandem to offer its services statewide throughout South Dakota. However, with respect to rural telephone companies, Neutral Tandem agrees that it would not provide local exchange telecommunications services directly to residential and business customers of rural telephone companies. The local exchange telecommunications services in rural telephone company service areas excluded from this certification include but are not limited to the direct provisioning of switched access telecommunications services, special access telecommunications services, and dedicated trunking facilities to either residential or business end user customers in rural telephone company service areas. The Commission Order related to Neutral Tandem’s request for local service authority would provide that with respect to rural telephone companies, Neutral Tandem would have to come before the

Commission in another proceeding before being able to directly provide any local exchange telecommunications services to either residential or business end user customers in rural telephone company service areas. In such subsequent proceeding, the provisions of 47 U.S.C. § 253(f), SDCL § 49-31-73, and the Commission's administrative rules, which allow the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an eligible telecommunications carrier, would apply. In addition, the granting of authority to Neutral Tandem to offer its services statewide will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f).

In recognition of the centralized equal access configuration in South Dakota, Neutral Tandem agrees to deliver all interexchange traffic originating from and terminating to any customers of SDN's member company ILECs and affiliated CLECs via the SDN tandem switch in Sioux Falls, South Dakota. Nothing contained herein shall be construed as a limitation of any rights granted to SDN pursuant to the FCC Order in File No. W-P-C-6486, or in South Dakota Public Utilities Commission Order F3860.

2. With this agreement of the parties, the parties request the Commission cancel the scheduled hearing and proceed to approval of the Certificates of Authority with the parties' agreed upon limitations.

Dated this 14th day of May, 2010.

GUNDERSON, PALMER, NELSON &  
ASHMORE, LLP



Talbot J. Wieczorek  
Attorneys for Neutral Tandem-South Dakota, LLC  
P.O. Box 8045  
Rapid City, SD 57709-8045  
Tel: 605-342-1078  
Fax: 605-342-0480  
tjw@gpnlaw.com

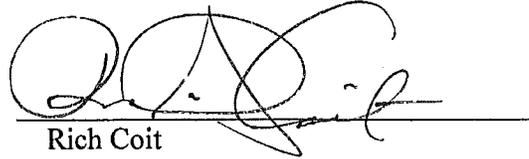
Dated this 14<sup>th</sup> day of May, 2010.

RITER, ROGERS, WATTIER & NORTHRUP,  
LLP

A handwritten signature in cursive script, reading "Darla Rogers", is written over a horizontal line.

Darla Rogers  
Attorneys for SDN  
PO Box 280  
Pierre SD 57501

Dated this 17~~4~~ day of May, 2010.

A handwritten signature in black ink, appearing to read 'Rich Coit', is written over a horizontal line. The signature is stylized with large loops and a trailing flourish.

Rich Coit  
Attorney for SDTA  
PO Box 57  
Pierre SD 57501